

May 13, 2022

The Honorable J. Ronnie Abrams  
United States District Judge, Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007-1312

*Filed via ECF*

**RE: *Immigrant Defense Project, et al. v. U.S. Dep't of Homeland Sec., et al.*,  
No. 20-CV-10625 (RA) Joint letter of the Parties**

Dear Judge Abrams:

The parties respectfully submit this joint letter to the Court.

On May 2, Plaintiffs submitted their cross-motion for summary judgment and reply to Defendants' motion for summary judgment. Dkt. Nos. 48-51. The parties have since conferred and write with the following update for the Court. In Plaintiffs' cross-motion, they challenge the adequacy of the searches by named Defendant Department of Homeland Security ("DHS") and all of its sub-agencies and components; this includes one its main sub-agencies U.S. Customs and Border Protection ("CBP"). Plaintiffs also challenge the adequacy of the searches by named Defendant U.S. Immigration and Customs Enforcement ("ICE").

The parties had previously discussed the adequacy of search by Defendant DHS of its Headquarters (referred to as "Headquarters" or "HQ" in Plaintiffs' summary judgment motion), and due to a miscommunication between the parties, DHS did not understand its search to be at issue in this litigation. *See* Dkt. No. 47, at 3 n.1. The parties have since resolved the HQ aspect of DHS's search and agree that Plaintiffs' challenge to DHS's search on these cross-motions concerns only DHS's decision not to refer the FOIA request to CBP for a search and CBP's subsequent failure to search. With respect to Defendant ICE, there has been no change to the parties' respective positions.

Because DHS needs time to prepare a declaration in this matter, and with the consent of Plaintiffs, Defendants respectfully request that the Court modify the briefing schedule as follows:

- Defendants' brief in opposition to Plaintiff's cross-motion and reply in further support of Defendants' motion due May 27, 2022; and
- Plaintiffs' reply brief due June 13, 2022.

Respectfully submitted,

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Application granted.

SO ORDERED.

A handwritten signature in blue ink, appearing to be 'R. Abrams', written over a horizontal line.

Hon. Ronnie Abrams  
05/17/2022

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<sup>1</sup> Consent for signature for Plaintiffs' counsel obtained pursuant to S.D.N.Y. ECF Rule 8.5(b).